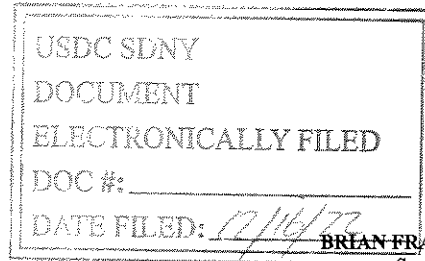


MEMO E130234



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December 16, 2022

BY ECF

Honorable Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Jawaun Fraser v. City of New York, et al., 20-CV-4926 (CM)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to the defense of the above-referenced matter on behalf of defendants City of New York, Undercover Officer Number 84, Detective Regina, and Detective Deltoro. In that capacity, I write in response to the Court's Second Amended Trial Notice from yesterday scheduling the above-captioned case for trial on January 24, 2023, with a pretrial conference to be held January 5, 2023. I write in order to bring scheduling difficulties to Your Honor's attention and to ask for another adjournment to a suitable date.

I am scheduled to pick a jury on January 9, 2023, in the matter of Martin Bleiwas v. City of New York, et al., 16 CV 10046 (ER), before the Honorable Edgardo Ramos, United States District Judge, and on January 25, 2023, in the matter of Jamarl Malik Townsend v. Police Officer U.C. 349, 19 Civ. 10944 (LAK) (RWL), before the Honorable Lewis A. Kaplan, United States District Judge. By Order dated December 12, 2022, Judge Kaplan ordered the parties to be on 24 hour notice to proceed to trial with an anticipated start date of January 24, 2023. Yesterday, at approximately 2:00 p.m., before receiving this Court's order, we received word from Judge Kaplan's Chambers that we had a definitive start date of January 25, 2023. Additionally, in conferring with plaintiff's counsel, I was informed that one of plaintiff's assigned attorneys does not return from vacation until the day after trial is currently scheduled to begin, another does not return from vacation until two days before, a third has a criminal trial scheduled to commence on February 2, 2023, and a fourth has a work-related trip out of town planned for February 2, 2023 that would need to be canceled. The parties considered each of those respective conflicts in proposing the dates set forth in plaintiff's December 7, 2022, application. Accordingly, with

12/16/2022
The dates you have suggested are impossible for me. I will call you when I get a break. Both sides have back up counsel & ready to be here. I will NOT accept any excuses.

[Signature]

plaintiff's consent, I respectfully request that the Court adjourn the current trial date to a later date convenient to the Court and workable for the parties.

Should the Court grant this request, the parties continue to be available, as set forth in plaintiff's December 7, 2022 application, for the weeks of April 10, 2023, April 17, 2023 and May 29, 2023 (February 2, 2023, now presents the above-mentioned conflicts). Mindful of the Court's unavailability during those weeks, the parties respectfully request permission to jointly contact Court staff in order to try and find a trial date that works for both the parties and the Court. The parties share the Court's desire to have this matter tried as soon as practicable and such a call may allow us to find a workable start outside of those we presented before June 2023.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Brian Francolla
Senior Counsel
Special Federal Litigation Division

cc: Plaintiff's counsel (by ECF)